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REVISION NOTE:

Document #10610, effective 6-1-14, readopted with amendments and renumbered former Part Env-Ws 305, entitled “Coatings and Additives; Lead Prohibition”, under a new subtitle as Part Env-Dw 403, entitled “Coatings, Additives, and Lead Prohibition”. The redesignation from subtitle Env-Ws to subtitle Env-Dw was done pursuant to a rules reorganization plan for Department rules approved by the Director of the Office of Legislative Services on 9-7-05.

The former Part Env-Ws 305 had last been filed under Document #8498, effective 11-30-05. The rules in former Part Env-Ws 305 did not expire on 11-30-13 since they were extended pursuant to RSA 541-A:14-a until replaced by the rules in Document #10610, effective 6-1-14.

Document #10610 replaces all prior filings for the rules formerly in Env-Ws 305. The prior filings for rules in the former Env-Ws 305, beginning with Document #6521, effective 6-4-97, which had readopted with amendments the entire Chapter Env-Ws 300, include the following documents:

- #6521, eff 6-4-97
- #8360, INTERIM, eff 6-4-05
- #8498, eff 11-30-05

PART Env-Dw 403 COATINGS, ADDITIVES, AND LEAD PROHIBITION

Statutory Authority: RSA 485:1, II(c); RSA 485:3, I; RSA 485:8

Env-Dw 403.01 Coatings, Surfaces, and Additives.

- (a) All chemicals added to drinking water and all coatings and surfaces in contact with drinking water shall be tested and certified in accordance with the applicable direct and indirect additives standard numbers 60 and 61 of the American National Standards Institute (ANSI), as indicated in Table 403-1.
- (b) For chemicals, the original producer of the product shall obtain the certification. Repackers of chemicals shall not be required to obtain separate certification, provided however, that repackers shall self-certify that the cleanliness of their procedures and purity of the resultant product is equivalent to that required of the original manufacturer.
- (c) Any person who undertakes reformulation of chemicals shall obtain certification in accordance with ANSI 60.
- (d) Agencies or firms providing testing and certification for others shall be certified by the ANSI.
- (e) The applicable ANSI standard for materials covered by (a), above, shall be as specified in Table 403-1, available as specified in Appendix B:

Table 403-1: ANSI 60 and 61 APPROVALS

Product Type	ANSI Standard Number	Edition
Drinking Water Treatment Chemicals	60	01/05/2004
Pipes and Related Products	61	11/22/2003
Protective (Barrier) Products	61	11/22/2003
Joining and Sealing Materials	61	11/22/2003
Process Media	61	11/22/2003
Mechanical Devices	61	11/22/2003

Source. (See Revision Note at p. 1) #10610, eff 6-1-14

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Env-Dw 403.02 Prohibition on Use of Lead Pipes, Solder, and Flux.

- (a) All pipe, solder, or flux used in or on drinking water plumbing shall be lead-free as defined by (e), below.
- (b) Unless excluded under (c), below, this section shall apply to the installation or repair of:
 - (1) Any public water system; and
 - (2) Any plumbing in a residential or non-residential facility providing water for human consumption that is connected to a public water system.
- (c) This section shall not apply to:
 - (1) Leaded joints necessary for the repair of cast iron pipes;
 - (2) Pipes, pipe fittings, plumbing fittings, or fixtures, including backflow preventers, that are used exclusively for non-potable water services such as manufacturing, industrial processing, irrigation, outdoor watering, or any other uses where the water is not expected to be used for human consumption; and
 - (3) Toilets, bidets, urinals, fill valves, flushometer valves, tub fillers, shower valves, fire hydrants, service saddles, or water distribution main gate valves that are 2 inches in diameter or larger.
- (d) The requirements of (a), above, shall apply notwithstanding any contrary provision in the state or local plumbing codes or the rules of the state mechanical licensing board.
- (e) For purposes of this section, the term “lead-free” means:
 - (1) When used with respect to solders and flux, containing not more than 0.2 percent lead; and
 - (2) When used with respect to pipes and pipe fittings, containing not more than a weighted average of 0.25 percent lead calculated across the wetted surfaces.

Source. (See Revision Note at p. 1) #10610, eff 6-1-14; ss by #12181, eff 5-23-17

Env-Dw 403.03 Distribution Piping Materials Inventory. The O/O of a community water system (CWS) shall identify and report to the department whether the following construction materials are present in the distribution system of the CWS:

- (a) Lead from piping, solder, caulking, interior lining of distribution mains, alloys, and home plumbing;
- (b) Copper from piping and alloys, service lines, and home plumbing;
- (c) Galvanized piping, service lines, and home plumbing;
- (d) Ferrous piping materials such as cast iron and steel; and
- (e) Asbestos cement pipe.

Source. #12181, eff 5-23-17

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

APPENDIX A: STATE STATUTES AND FEDERAL /REGULATIONS IMPLEMENTED

Rule Section(s)	State Statute(s) Implemented	Federal Requirement(s) Implemented
Env-Dw 403	RSA 485:3, VIII	
Env-Dw 403.02	RSA 485:3, I	40 CFR 141.43(d)
Env-Dw 403.03	RSA 485:3, I	40 CFR 141.42(d)

APPENDIX B: INCORPORATION BY REFERENCE INFORMATION

Rule Section(s)	Title	Dated	Obtain at:
Env-Dw 403.01	American National Standards Institute (ANSI) Drinking Water Treatment Chemicals Standards #60 and #61	2003	American National Standards Institute http://www.ansi.org/